

REMARKS

The claims have been amended as needed so as to sharpen their definition of the invention relative to the applied reference.

Reconsideration is accordingly respectfully requested, for the rejection of certain of the claims as anticipated by BOURQUIN et al.

In a nutshell: only one of BOURQUIN's moon phase indications is visible at any given time. By contrast, in the present invention, both the southern hemisphere and the northern hemisphere moon phase appearances, are simultaneously visible at all times.

In greater detail:

First, as to the novelty of the subject matter of amended claim 1, it is clear that U.S. 4,853,908 to BOURQUIN et al. does not disclose a moon dial with two windows which are arranged such as to be continuously and simultaneously visible, because the moon dial 1 of BOURQUIN et al. is only visible partly through a window 6 of semicircular shape in the dial (col. 2, lines 26-29). In particular, that passage as well as the figures make it clear that the moon dial of BOURQUIN et al. with its two windows is not part of the uppermost surface of the dial of a watch, but situated underneath the real dial of the watch which itself only has this one window 6. Especially, this means that

the signs 2 (which correspond to the openings 9 combined with the circles 8 for the second embodiment of BOURQUIN et al.) are only visible during half of their circular course as the annular wheel(s) 1 (1') rotate (col. 2, lines 27-29). Consequently, the two windows 9 of BOURQUIN et al. cannot be continuously and simultaneously visible.

Second, as to the inventive step, it should be noted that the device of BOURQUIN et al. primarily concerns a mechanism for tide indication. The moon phase indication is to be regarded as a supplementary function of the second embodiment of BOURQUIN et al., this functionality being subordinated under the primary function of indication of the time of high and low tide. However, that latter function actually necessitates by principle the conception of the windows as described above, i.e. that the dial of the watch has only one single window 6. This window 6 consequently is of semicircular shape and serves to display a sign 2 which may be a simple sign/graph on one rotating disc 1 (first embodiment) or a combination of a circle 8 and an opening 9 on two overlying, rotating discs 1, 1', both of which are situated underneath the dial itself (second embodiment/with moon phase indication). Due to the primary function of indicating the tide, the windows 6 (and the upper disc 1 with the signs 2 or the openings 9) in any case needs to be designed such as to display only one sign 2 respectively one opening 9 at a time, as there cannot be indicated two tides simultaneously for the place of the

observer (only to differentiate from high tide, indication of low tide is done by the two signs 2/openings 9 being visible partly at the same time on the left and right edge of the window 6). This requirement however means that the device of BOURQUIN et al. by principle cannot have two windows which are arranged such as to be continuously and simultaneously visible as in the present invention.

Actually, the second opening 9 of BOURQUIN et al. is present only to distinguish the second high tide from the first one, the first one taking place when the moon is visible at the observer's position, the second one when the moon is visible at the antipode of the observer's position on earth. Due to that fact, the second embodiment of BOURQUIN et al. is preferably realized with the second opening 9 being distinguished from the first opening 9 by bars 10 in order to mark the non-visibility of the moon (col. 3, lines 18-42). These considerations expressed in BOURQUIN et al. clearly show that indication of the different appearance of the moon phases on the northern and southern hemisphere on earth is not suggested by this document, but that the presence of two openings 9 in BOURQUIN et al. is due to the two different high tides. To the contrary, nothing is said in BOURQUIN et al. with respect to the different appearance of the phases of the moon in the two hemispheres and on how to indicate this different appearance with the help of two windows in the moon dial. The requirement of indicating the tide makes it even

impossible to include in a device according to BOURQUIN et al. the technical feature of having a moon dial with two windows which are arranged such as to be continuously and simultaneously visible on the dial of the watch, as explained above.

The disclosure of BOURQUIN et al. therefore does not suggest to a person skilled in the art a device such as claimed by the present application.

As the claims as now constituted clearly bring out these distinctions with ample particularity, it is believed that they are patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Robert J. Patch, Reg. No. 17,355
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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